

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO. 5:10CR 00273
	:	
Plaintiff,	:	
	:	CHIEF JUDGE SOLOMON OLIVER, JR.
vs.	:	
	:	
BENJAMIN J. MOONEYHAN,	:	<u>DEFENDANT BENJAMIN</u>
	:	<u>MOONEYHAN'S MOTION TO</u>
	:	<u>WITHDRAW AFFIDAVIT (DKT. #18)</u>
	:	
Defendant.	:	

Defendant Benjamin J. Mooneyhan, through undersigned counsel, hereby withdraws his *pro se* affidavit (dkt #18) filed on April 5, 2011. The Court appointed the Federal Defender's office as Mr. Mooneyhan's new counsel on March 31, 2011. Undersigned counsel has met with Mr. Mooneyhan on two separate occasions at Northeast Ohio Correctional Center in Youngstown, Ohio. During those meetings counsel reviewed the discovery documents with Mr. Mooneyhan. On April 22, 2011, counsel met with Mr. Mooneyhan wherein he gave verbal permission for counsel to file the instant motion to withdraw his *pro se* affidavit.

Wherefore, based on the foregoing, Mr. Mooneyhan respectfully request an Order from this Court to withdraw his *pro se* affidavit.

Respectfully submitted,

s/ JACQUELINE A. JOHNSON
JACQUELINE A. JOHNSON (0025606)
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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2011, a copy of the foregoing Defendant Benjamin Mooneyhan's Motion to Withdraw Filing of Affidavit (Dkt. #18) was filed electronically.

Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail.

Parties may access this filing through the Court's system.

s/ JACQUELINE A. JOHNSON
JACQUELINE A. JOHNSON (0025606)
First Assistant
Federal Public Defender